

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Donald J. Larnard, et al

Application No.: Not Yet Assigned

Filing Date: Herein

Entitled: EXPANDABLE DEVICE FOR
THERMAL THERAPY

Docket No.: 22521-2CON

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT

Mail Stop Patent Application
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22312-1450

Dear Sir:

It is desired to cite for the record in this application the cited articles, United States and foreign patents listed on the attached copy of Form PTO/SB/08A. The paragraph(s) marked below are applicable to this Information Disclosure Statement.

The attached Form PTO/SB/08A provides a listing of information which may be relevant to the subject application. This Information Disclosure Statement is not intended as a representation that better art is not available, or that the information provided is prior art.

In accordance with M.P.E.P. § 609, copies of the cited references are not provided herewith because (1) the information was previously cited and/or submitted in connection with parent application no. 09/971,015 which is relied on for an earlier filing date under 35 U.S.C. 120; and (2) the IDS submitted in the earlier application complies with 37 CFR 1.98(a)-(c).

☒ (1) The enclosed Information Disclosure Statement is being filed within three months of the filing date or within three months of the date of entry of the national stage of the above-identified application. Accordingly, Applicant(s) believes that no fee or certification is required.

☐ (1a) The enclosed Information Disclosure Statement is being filed before the mailing of a first Office action on the merits under 37 C.F.R. §1.97(b)(3); or before the mailing of a first Office action after the filing of a request for continued examination under §1.114. Accordingly, Applicant(s) believes that no fee or certification is required.

☐ (1b) Pursuant to 37 C.F.R. §1.97(c), the enclosed Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by the fee set forth in § 1.17(p).

☐ (2) Pursuant to 37 C.F.R. § 1.97(d), Applicant states that the issue fee has not been paid and that a certification under 37 C.F.R. §1.97(e) is provided herein, along with the fee of \$180.00 required under 37 C.F.R. §1.17(p).

CERTIFICATION UNDER 37 C.F.R. §1.97(e) (1)

☐ (3) The undersigned hereby certifies that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application mailed not more than three months prior to the filing of this statement.

CERTIFICATION UNDER 37 C.F.R. §1.97(e) (2)

☐ (4) The undersigned hereby certifies that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, after making reasonable inquiry, was known to any individual having a duty of disclosure as set forth in 37 C.F.R. §1.56(c) more than three months prior to the filing of this statement.

The filing of this Information Disclosure Statement is not representation by the undersigned as to the personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy Rule 98(a) (3) even if in a foreign language, since the few terms of relevance therein are deemed of universal cognizance. However, Applicant does not necessarily adopt the position reflected by that report.

It is respectfully requested that the cited references be considered by the Examiner and that a copy of the enclosed Form PTO/SB/08A be initialed and returned to us indicating that such information has been considered.

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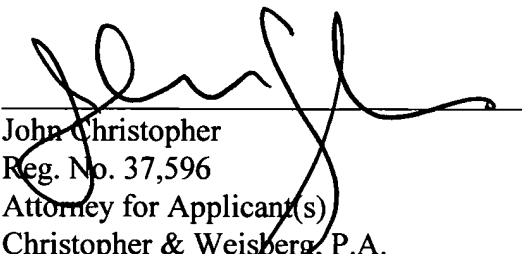
Atty. Docket No. 22521-2CON

The Commissioner is hereby authorized to credit overpayments or charge payment of any additional fees associated with this communication to Deposit Account No. 502104.

Respectfully submitted,

Dated: February 20, 2004

By:



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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	Not Yet Assigned
				Filing Date	Herein
				First Named Inventor	Donald J. Larnard, et al.
				Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned				
Sheet	1	of	5	Attorney Docket Number	22521-2CON
U.S. PATENT DOCUMENTS					
Examiner Initials *	Cite No. ¹	Document Number Number- Kind Code ² <i>(if known)</i>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-2,190,384	02/13/1940	Newman	
		US-3,170,465	02/23/1965	Henney, et al.	
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		US-5,718,584	02/17/1998	Wong	
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		US-6,149,677	11/21/2000	Dobak, III	
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Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD- YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ Kind Code ⁵ <i>(if known)</i>				
		PCT WO 99/34758	07/15/1999			
		PCT WO 96/03943	02/15/1996			
		PCT WO 00/07507	02/17/2000			
		PCT WO 00/59419	10/12/2000			
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		JP 11-170076	11/28/2000			X
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		RU SU639557	05/15/1975			X
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		RU SU1544422A1	05/24/1988			X
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		RU SU1787026A3	08/09/1990			X
		RU 2100989C1	01/10/1998			X
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⁴ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁵ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁶ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁷ Applicant is to place a check mark here if English language Translation is attached.

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Sheet	4	of	5	Attorney Docket Number	22521-2CON

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Fay, "Early Experiences with Local and Generalized Reorganization of the Human Brain", Temple Fay, M.D., Pgs. 239-260	
		Perov, et al., "Design of Thermodes for Cooling Sites of Cerebral Hemisphere Cortex in Chronic Tests", Sechenov Physiology Journal of the USSR, No. 7, 1983, Methods of Physiological Investigations, 5 pgs.	
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		Kindt, et al., "Regional Hypothermia Produced by Cooling the Blood within the Intact Artery", Surgical Forum, 1966, 17: pgs. 406-7.	
		Locke, et al., "Profound Selective Arterial Cooling of Brain without Pump or Oxygenator", Surgical Forum, 1965, 16: pgs. 421-2.	
		Negrin, "An Instrument to Obtain Local Hypothermia of the Brain or Spinal Cord", International Surgery, August 1970, Vol. 54, No. 2, pgs. 93-106.	
Examiner Signature		Date Considered	

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Sheet	5	of	5	Attorney Docket Number	22521-2CON

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Mursky, "On the Use of Complex (Cranial Cerebral and General) Hypothermia in Experiments", Brain Hypothermia, 1965, 4 pgs.	
		Shilo, et al., "Delivery/Dialysis Cannula for Local Superfusion of Brain Structures at Cranial Cerebral Hypothermia", Collection of Scientific Works, 1988, 3 pgs.	
		Rybakov, "Method of Intra-Ventricle Hypothermia of Brain", 3 pgs.	
Examiner Signature			Date Considered

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